

REMARKS

Amendments to the Claims

Claims 1-18 and 20-21 are pending in the present application. Claim 19 is canceled, claims 1, 4, 15 and 20 are amended, and claim 21 is newly presented for consideration. Applicant notes that although the claims are modified, Applicant does not surrender the subject matter of prior versions of the claims nor any subject matter disclosed in the Application.

Claim 1 is amended in the preamble to recite “An apparatus...[that is] embodied at the mobile node...” Support for these limitations can be found at least at Specification page 11, line 11 through Specification page 12, line 14. Additional support can be found in FIG. 1 and FIG. 2. No new matter is entered.

Claim 1 is also amended to recite, “receiver circuitry, capable of receiving signals...” Support for these limitations can also be found at least at Specification page 10, line 29 through Specification page 11, line 14. Additional support can be found in FIG. 1 and FIG. 2. No new matter is entered.

Claim 1 is also amended to recite, “a request detector coupled to the receiver circuitry, the request detector capable of detecting requests for hash information and requests for data records...” Support for these limitations can also be found at least at Specification page 11, line 26 through Specification page 12, line 10. Additional support can be found in FIG. 1 and FIG. 2. No new matter is entered.

Claim 1 is also amended to recite that the hash generator, “[is] coupled to the request detector and receiving there from, requests for hash information...” Support for these limitations can also be found at least in FIG. 2 and at Specification page 11, line 14 through Specification page 12, line 10. No new matter is entered.

Claim 1 is also amended to recite that the hash generator is, “capable of forming first and second hash values of data received by [the] hash generator from the first database...” and that the hash generator generates “a first hash that is computed over the first database responsive to a first request received by the hash generator from the request detector...” Support for these limitations can be found at least at Specification page 6, lines 1-13; Specification page 7, lines 1-8; Specification page 8, lines 3-6; Specification page 11, line 14 through Specification page 12, line 4; and Specification page 13, lines 9-15. No new matter is entered.

Claim 1 is also amended to recite that if the network copy database and the mobile copy database do not match one another, a second hash value is computed “over an individual record of the first data base...” Support for these limitations can be found at least at Specification page 13, line 25 through page Specification page 14, line 3. No new matter is entered.

Claim 1 is also amended to recite that, “the second hash value...generated by the hash generator responsive to the receipt by the request detector...for additional hash information, a second request for additional hash information [is] received by the request detector only if the mobile copy of the first hash value does not match the network copy of the first hash value....” Support for these limitations can be found at least at Specification page 13, line 25 through Specification page 14, line 3, FIG. and Specification page 14, lines 3-9. No new matter is entered.

Claim 1 is also amended to recite that the “content retriever coupled to the request detector... [retrieves] data records ... responsive to requests received by [the] content receiver from the request detector...” Support for these limitations can be found at least at Specification page 12, lines 1-8. No new matter is entered.

Claim 4 is amended to recite that the hash generator generates, “the first hashes upon detection of an external triggering event” and generates “the second hashes responsive to a network part determination that the first hashes ... did not match...” Support for these

limitations can be found at least at Specification page 5, lines 17-27 and Specification page 6, lines 8-12. See also Specification page 6, line 29 through Specification page 7, line 8. No new matter is entered.

Independent method Claim 15 is amended to recite the step of, “receiving radio signals containing data....” Support for these limitations can also be found at least at Specification page 11, line 11 through Specification page 12, line 14. No new matter is entered.

Claim 15 is also amended to recite the step of, “detecting in the received radio signals, requests for hash information and requests for data records....” Support for these limitations can also be found at least at Specification page 11, line 11 through Specification page 12, line 14. Additional support can be found in FIG 3. No new matter is entered.

Claim 15 is also amended to recite that the first hash value is “calculated over the first database...” Support for these limitations can be found at least at Specification page 6, lines 1-13; Specification page 7, lines 1-8; Specification page 8, lines 3-6; Specification page 11, line 14 through Specification page 12, line 4; and Specification page 13, lines 9-15. Additional support can be found in FIG 3. No new matter is entered.

Claim 15 is also amended to recite “responsive to a determination that the first hash value received from the mobile node does not match the second hash value calculated at the network part, requesting from the mobile node, a third hash value that is calculated at the mobile node over a first individual record of the mobile-copy of the first database using a second technique....” Claim 15 is also amended to recite, “sending the third hash value from the mobile node to the network part....” -Support for these limitations can be found at least at Specification page 13, line 20 through page Specification page 14, line 6 and in FIG. 3. Additional support can be found in FIG 3. No new matter is entered.

Claim 15 is also amended to recite, “wherein the first individual record of the mobile copy of the first database is determined to be different from first individual record of the network copy of the first database when the third and fourth hash value are different from each other.” Support for these limitations can be found at least at Specification page 12, lines 1-8. See also Specification page 14, line 26 through Specification page 15, line 8. No new matter is entered.

Claim 20 is amended to change its dependency from claim 19, which has been cancelled, to claim 18. Claim 18 depends from claim 17, which depends from claim 15. Claim 20 thus indirectly depends from claim 15.

Support for the limitations of new claim 21 may be found at least in the portions of the Application identified in the emboldened parentheticals below, which do not limit the subject matter of the claims:

21. (New) A method for synchronizing a plurality of databases on a network with a plurality of databases on a mobile node, the method comprising:

creating first hash information pursuant to a first technique (**Spec. page 6, lines 1-14**), the first hash information being representative of values contained in the mobile node's plurality of databases (**Spec. page 4, lines 28-29; page 5, lines 1-8**);

communicating the first hash information to the network node; (**Spec. page 4, lines 28-29; page 5, lines 1-8**)

receiving at a request detector coupled to receiver circuitry of the mobile node (**Spec. page 11, lines 27-30**) a request from the network for second hash information when the network determines, based at least on the first hash information, that the plurality of databases on the network and the plurality of databases on the mobile node are out-of-match (**Spec. page 6, line 1-14**);

creating the second hash information pursuant to a second technique; (**Spec. page 6, lines 1-14**)

wherein the first technique is less computationally-intensive than the second technique and the first hash information requires less communication channel capacity than the second hash information. (**Spec. page 6, lines 1-14**)

Issues

Claims 1-18 and 20-21 are pending. In the office action that was mailed November 6, 2008, claims 1-18 stand rejected under 35 U.S.C. § 102(e) over U.S. pre-grant publication 2002/0029214 by Yianilos, et al. Office Action pp. 2-10. Claim 20 stands rejected under 35 U.S.C. § 103(a) over Yianilos. Office Action pp. 10-11.

Grounds of Rejection under 35 U.S.C. § 102

Claims 1-18 stand rejected under 35 U.S.C. 102(b) over U.S. pre-grant publication 2002/0029214 by Yianilos, et al. Office Action pp. 2-10. A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1 and 15

Claim 1 recites, “An apparatus for a radio communication system having a network part that maintains a network-copy of a first database containing data and a mobile node that maintains a mobile-copy of the first database containing data.” Independent method claim 15 comprises limitations similar to that of claim 1. The Examiner alleges Yianilos, et al. meets these limitations. Office Action p.4, (citing to Yianilos, et al. paragraphs 0013, 0025, 0062 and 0067).

Yianilos, et al., fails to teach, “[a]n apparatus for a radio communication system having a network part that maintains a network-copy of a first database containing data and a mobile node that maintains a mobile-copy of the first database containing data,” at least because Yianilos is

silent to these limitations. Specifically, Yianilos is silent at least to the terms, radio, communication system, mobile and mobile node. Hence, Yianilos, et al. fails to teach “[a]n apparatus for a radio communication system having a network part that maintains a network-copy of a first database containing data and a mobile node that maintains a mobile-copy of the first database containing data.”...” as set forth in and as required by the claim 1 preamble and the claim 15 preamble.

Claim 1 also recites “receiver circuitry, capable of receiving radio communication signals.” Independent method claim 15 recites the step of “receiving radio signals containing data.” Yianilos, et al., fails to teach, “receiver circuitry, capable of receiving radio communication signals” recited in claim 1 and fails to teach “receiving radio signals containing data” recited in claim 15,” at least because Yianilos is silent to these limitations. Specifically, Yianilos is silent at least to the terms, radio, communication system, mobile and mobile node. Hence, Yianilos, et al. fails to teach, “receiver circuitry, capable of receiving radio communication signals” as set forth in and as required by claim 1 and fails to teach, “receiving radio signals containing data” as set forth in and as required by claim 15.

Claim 1 also recites, “a hash generator coupled to [a] request detector and receiving ... requests for hash information.” The claim 1 “hash generator [is] capable of forming first and second hash values of data received by said hash generator from the first database.” The claim 1 hash generator generates “a first hash value ...computed over the first database responsive to a first request received by the hash generator from the request detector.” The claim 1 first hash value is communicated to the network part to determine whether the network-copy and the mobile-copy are in match with one another. If the first hash values of claim 1 do not match, “[the] second hash value [is] computed over an individual record of the first data base and communicated to the network part, after [the] first hash value has been computed and communicated to the network part and used by the network part to determine that the network-copy and the mobile-copy are not in match with one another the second hash value being

generated by the hash generator responsive to the receipt by the request detector of a second request for additional hash information, [the] second request for additional hash information being received by the request detector only if the mobile copy of the first hash value does not match the network copy of the first hash value.” Method claim 15 recites parallel method steps. The paragraphs of Yianilos, et al., cited by the Examiner disclose only the computation of hash values over selected ranges of two different databases but fail to teach the formation of a first hash value over an entire database and the conditional formation of a second hash value over individual records of the same databases. Hence, Yianilos, et al. fails to teach the hash generator limitation of claim 1 and it fails to teach the first and second hash values formed in the method of claim 15.

Thus, the cited art fails to teach each and every element as set forth in the claim. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 2-14 and 16-18 and 20

Claims 2-14 each depend from and inherit all the limitations of independent claim 1. Claims 16-18 and 20 each depend from and inherit all the limitations of independent claim 15.

As discussed above, the cited art fails to teach each and every element of claims 1 and 15. Thus, the cited art fails to teach each and every element of claims 2-14, 16-18 and 20. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Grounds of Rejection under 35 U.S.C. § 103

Claim 20 stands rejected under 35 U.S.C. § 103(a) over Yianilos, et al. Office Action pp. 10-11. In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See *In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467

(1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art.

Claim 20

Claim 20 has been amended to change its dependency from claim 19, which has been cancelled, to claim 17. Claim 17 indirectly depends from claim 15, which is believed to be in condition for allowance for reasons set forth above. Thus, the claim comprises features and limitations that are outside the scope of the combination of cited art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

New Claim 21

Claim 21 recites “a plurality of databases on a mobile node.” The Examiner asserts Yianilos teaches similar limitations from claim 1. Office Action p.3. But the Examiner does not designate the particular part of the cited art relied on to meet at least the claim’s limitations of “a mobile node,” as required by 37 C.F.R. § 1.104(c)(2). Furthermore, while Yianilos teaches local and remote databases (Yianilos [0082]-[0083]), Yianilos is silent to any of its databases being “on a mobile node,” as set forth in the claim. Hence, the claim’s limitations of “a plurality of databases on a mobile node” are outside the scope of the combination cited art.

Claim 21 also recites “first hash information pursuant to a first technique” and “second hash information pursuant to a second technique.” The cited portions of Yianilos at best teach using one hash technique on different ranges of keys of a database. See Yianilos [0062], [0067], and [0083]. Hence, Yianilos fails to teach a “first technique” and a “second technique,” as set forth in the claim at least because Yianilos is silent to these limitations. Hence, the claim’s limitations of “first hash information pursuant to a first technique” and “second hash information pursuant to a second technique” are outside the scope of the combination cited art.

Claim 21 also recites “wherein the first technique is less computationally-intensive than the second technique and the first hash information requires less communication channel capacity than the second hash information.” Applicant believes these limitations are outside the scope of the cited art at least because Yianilos is silent to these limitations. Hence, the claim’s limitations of “wherein the first technique is less computationally-intensive than the second technique and the first hash information requires less communication channel capacity than the second hash information” are outside the scope of the combination cited art.

Thus, the claim comprises features and limitations that are outside the scope of the combination of cited art. Therefore, Applicant respectfully requests an indication of allowable subject matter.

Respectfully submitted,

/Robert H. Kelly/

Robert H. Kelly

Reg. No. 33,922

KELLY & KRAUSE, L.P.
6600 LBJ Freeway, Suite 275
Dallas, Texas 75240
Telephone: (214) 446-6684
Fax: (214) 446-6692
robert.kelly@kelly-krause.com